

February 20, 2009

MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
February 20, 2009

I. OPENING OF MEETING AT 11:11 A.M. AT 160 NORTH LASALLE STREET,
SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Chris Kolker, Chairman (via telephone); Barbara J. Peterson, Betty A. Bukraba, and Ares G. Dalianis, Commissioners; Daniel Stralka, Executive Director; and Jan Oncken, Illinois Department of Central Management Services

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD JANUARY 16, 2009

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER BUKRABA, AND THE MOTION ADOPTED 3-0 TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON JANUARY 16, 2009

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging	163.....	9
Agriculture	439.....	17
Arts Council.....	21.....	2
Capitol Development Board	36.....	0
Central Management Services	1,486.....	110
Children and Family Services	3,151.....	49
Civil Service Commission	4.....	0
Commerce & Economic Opportunity	411.....	67
Commerce Commission.....	72.....	0
Corrections.....	11,676.....	115
Criminal Justice Authority	58.....	6
Deaf and Hard of Hearing Comm.	7.....	1
Developmental Disabilities Council	10.....	1
Emergency Management Agency	94.....	6
Employment Security.....	1,763.....	25
Environmental Protection Agency	968.....	19
Financial & Professional Regulation	744.....	49
Guardianship and Advocacy	106.....	8
Healthcare and Family Services.....	2,452.....	29
Historic Preservation Agency	198.....	12
Human Rights Commission	14.....	2
Human Rights Department	145.....	10
Human Services	14,337.....	77
Investment Board.....	3.....	2
Juvenile Justice	1,182.....	20
Labor.....	80.....	7
Labor Relations Board Educational	12.....	2
Labor Relations Board State	19.....	2
Law Enforcement Training & Standards Bd.....	19.....	1
Medical District Commission	2.....	0
Military Affairs	127.....	3
Natural Resources	1,322.....	24
Pollution Control Board.....	19.....	2
Prisoner Review Board	20.....	0
Property Tax Appeal Board	20.....	1
Public Health.....	1,127.....	45
Revenue	2,110.....	70
State Fire Marshal	146.....	13
State Police	1,412.....	6
State Police Merit Board.....	6.....	1
State Retirement Systems	83.....	2
Transportation.....	4,295.....	0
Veterans' Affairs.....	1,107.....	7
Workers' Compensation Commission	164.....	10
TOTALS	51,630.....	832

B. Governing Rule - Jurisdiction B Exemptions

- a) Before a position shall qualify for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the position shall be directly responsible to:
 - 1. The Governor, or
 - 2. A departmental director or assistant director appointed by the Governor, or
 - 3. A board or commission appointed by the Governor, or
 - 4. The head of an agency created by Executive Order, or the director or assistant director of an agency carrying out statutory powers, whose offices are created by the Governor subject to legislative veto under Article V, Section 11, of the Constitution of 1970, which agency head, director, or assistant director may themselves be subject to exemption under Section 4d(3), or
 - 5. In an agency having a statutory assistant director, a deputy director exercising full line authority under the director for all operating entities of the agency, provided the statutory role of assistant director is vacant or is assigned clearly distinct and separate duties from the deputy director and as a colleague to him, or
 - 6. A line position organizationally located between the director and/or assistant director and a subordinate statutorily exempt position(s), provided the position proposed for exemption has line authority over the statutory exempt position(s), or
 - 7. The elected head of an independent agency in the executive, legislative, or judicial branch of government.

- b) If a position meets the above criterion, it must, in addition, be responsible for one or more of the following before it shall be approved as exempt:
 - 1. Directs programs defined by statute and/or departmental, board, or commission policy or possess significant authority when acting in the capacity of a director of programs to bind the agency.
 - 2. Makes decisions in exercising principal responsibility for the determination or execution of policy which fix objectives or state the principles to control action toward operating objectives of one or more divisions, such decisions being subject to review or reversal only by the director, assistant director, board, or commission.
 - 3. Participates in the planning and programming of departmental, board, or commission activities, integrating the plans and projections of related divisions, and the scheduling of projected work programs of those agencies.

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C. Requests for 4d(3) Exemption

- As to Item C, Executive Director Daniel Stralka reported that this request was withdrawn by the agency.

V. CLASS SPECIFICATIONS

The following class titles were submitted for creation by the Director of Central Management Services:

Position Titles:

- A. Juvenile Justice Youth & Family Specialist (Option 1) (new)
- B. Juvenile Justice Youth & Family Specialist (Option 2) (new)
- C. Juvenile Justice Youth & Family Specialist Supervisor (new)

Analysis: Executive Director Stralka reported that the proposed new series includes professional work typically performed by Correctional Counselor positions, and Correctional Casework Supervisor positions in the Department of Juvenile Justice. These classifications were originally developed for positions in the Department of Corrections, but with the creation of the Department of Juvenile Justice, the requirements of the Counselor series do not reflect the minimum college degree requirement called for in legislation and also do not reflect the full range of treatment and services intended for these positions. The new series reflects community-based jobs as well as counseling positions within the agency providing a range of casework services, including counseling, treatment, and service provider liaison functions to meet the needs of youth. With the range of work that may be assigned to the Juvenile Justice Youth and Family Specialist, specialized skills should be recognized for this professional work. The supervisory level provides for the supervision of professional counseling and treatment staff either in institutional settings or in community-based settings providing parole and coordination with community-based services including educational systems and employment providers.

The Department of Juvenile Justice Law (730 ILCS 5/3-2.5-5), created a separate agency to serve the needs of youth offenders whose purpose is ‘... to provide treatment and services through a comprehensive continuum of individualized educational, vocational, social, emotional, and basic life skills to enable youth to avoid delinquent futures and become productive, fulfilled citizens.’ This law sets out the academic qualifications for new employees providing such services to youth offenders at (730 ILCS 5/3-2.5-15 (b)), and sets the base of qualifying education as follows:

- (b) Department of Juvenile Justice personnel who are hired by the Department on or after the effective date of this amendatory Act of the 94th General Assembly and who participate or assist in the rehabilitative and vocational training of delinquent youths, supervise the daily activities involving direct and continuing responsibility for the youth’s security, welfare and

development, or participate in the personal rehabilitation of delinquent youth by training, supervising, and assisting lower level personnel who perform these duties must be over the age of 21 and have a bachelor's or advanced degree from an accredited college or university with a specialization in criminal justice, education, psychology, social work, or a closely related social science. This requirement shall not apply to security, clerical, food service, and maintenance staff that do not have direct and regular contact with youth. The degree requirements specified in this subsection (b) are not required of persons who provide vocational training and who have adequate knowledge in the skill for which they are providing the vocational training.

- (c) Subsection (b) of this Section does not apply to personnel transferred to the Department of Juvenile Justice on the effective date of this amendatory Act of the 94th General Assembly. (Source: P.A. 94-696, eff. 6-1-06)

The Juvenile Justice Youth and Family Specialist will provide a standardized set of counseling and supportive services to youth, with results-oriented measures of outcomes. A focus on service delivery, with a de-emphasis on paperwork and organizational hierarchy is expected to result in significant improvements over time. The consolidated of class levels is intended to reduce the distraction of narrow work distinctions and disruptions which have directed staff time away from the organizational mission to rehabilitate youth. The agency proposed a focus upon professional staff development through continuing education and training. To this end, a dual pay option has been developed which recognizes the benefit of a related Masters degree in this professional specialist role, consistent with an improved facility in achieving measurable outcomes in rehabilitation and counseling of youth.

While the class affords a direct entry path for experienced rehabilitation workers, use of the JJ Specialist Intern and JJ Specialist classifications affords a career path for professional development of candidates who will have educational backgrounds in counseling and therapy to provide for the rehabilitation of youth.

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER BUKRABA, AND THE MOTION ADOPTED 4-0 TO APPROVE THE REVISION OF THE FOLLOWING CLASS TITLE TO BE EFFECTIVE MARCH 1, 2009:

- A: Juvenile Justice Youth & Family Specialist (Option 1) (new)**
- B. Juvenile Justice Youth & Family Specialist (Option 2) (new)**
- C. Juvenile Justice Youth & Family Specialist Supervisor (new)**

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 4-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.

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Commissioner Raymond W. Ewell arrived at 11:17 a.m.

VI. MOTION TO GO INTO EXECUTIVE SESSION

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER DALIANIS, AND BY ROLL CALL VOTE THE MOTION ADOPTED 5-0 TO HOLD AN EXECUTIVE SESSION PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT.

KOLKER	YES	EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA	YES		

VII. RECONVENE MEETING

Upon due and proper notice the regular meeting of the Illinois Civil Service Commission was reconvened at 160 North LaSalle Street, Suite S-901, Chicago, Illinois at 11:30 a.m.

PRESENT

Chris Kolker, Chairman (via telephone); Raymond W. Ewell, Barbara J. Peterson, Betty A. Bukraba, Ares G. Dalianis, Commissioners; and Daniel Stralka, Executive Director.

VIII. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code, however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services' Consecutive Non-Merit Report.

Agency	12/31/08	1/31/09	1/31/08
Agriculture	0	0	1
Arts Council	0	0	1
Central Management Services	2	2	2
Children and Family Services	3	3	4
Criminal Justice Authority	0	1	0
Employment Security	5	4	0
Healthcare and Family Services	9	3	6
Historic Preservation	0	0	1
Human Services	0	2	4
Natural Resources	14	4	7
State Police	1	1	0
State Retirement Systems	0	0	0
Transportation	17	17	62
Veteran's Affairs	2	3	0
Workers' Compensation Commission	5	1	0
Totals	58	41	88

IX. PUBLICLY ANNOUNCED DECISION RESULTING FROM APPEAL

• **DISCHARGE**

DA-44-08

Employee	Sandra K. Young	Appeal Date	05/07/08
Agency	HFS	Decision Date	02/06/09
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Violated hiring practices; falsified promotional applications; violated computer usage policy	Recommended Decision	Charges are partially proven and warrant discharge.

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER DALIANIS, AND BY ROLL CALL VOTE OF 5-0, THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION THAT THE WRITTEN CHARGES FOR DISCHARGE HAVE BEEN PARTIALLY PROVEN AND DO WARRANT DISCHARGE FOR THE REASONS SET FORTH IN THE RECOMMENDED DECISION DATED FEBRUARY 6, 2009.

KOLKER	YES	EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA	YES		

X. APPEAL TERMINATED WITHOUT DECISION ON THE MERITS

• **DISMISSED**

RV-17-09

Employee	Gail D. Lemon	Appeal Date	11/12/08
Agency	DVA	Decision Date	01/23/09
Type	Rule Violation	ALJ	Daniel Stralka
Alleged Violations	Incorrect rate of pay; tuition reimbursement; utilization of benefit time; overtime assignments; maltreatment; improper discipline; maintenance of health and life insurance; and status of pending grievances	Proposed Finding	Dismissed; appeal is moot since her discharge was upheld.

IT WAS MOVED BY COMMISSIONER EWELL, SECONDED BY COMMISSIONER DALIANIS, AND BY ROLL CALL VOTE OF 5-0, THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSED FINDING TO DISMISS THE APPEAL SINCE THERE IS NO LONGER ANY ACTUAL OR REAL CONTROVERSY FOR THE COMMISSION TO DECIDE ONCE LEMON'S DISCHARGE (DA-14-09) WAS UPHELD. THE COMMISSION'S REMEDIAL AUTHORITY IN A RULE VIOLATION APPEAL IS LIMITED TO DIRECTING COMPLIANCE WITH THE PERSONNEL CODE OR RULES WHEN VIOLATIONS ARE FOUND. IN THIS CASE, THE REMEDY WOULD HAVE A PRACTICAL EFFECT ONLY IF THE EMPLOYEE HAD BEEN ABLE TO PREVAIL IN HER DISCHARGE APPEAL. SINCE SHE DID NOT, THE LOSS OF HER EMPLOYMENT STATUS RENDERED THE RULE VIOLATION APPEAL MOOT.

KOLKER	YES	EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA	YES		

• **DISMISSED**

DA-21-09

Employee	David Knapp	Appeal Date	12/10/08
Agency	DOC	Decision Date	01/14/09
Type	Discharge	ALJ	Daniel Stralka
Charge(s)	Unauthorized absences	Recommended Decision	Dismissed; withdrawn.

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER EWELL, AND BY ROLL CALL VOTE OF 5-0, THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION TO DISMISS THE APPEAL.

KOLKER	YES	EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA	YES		

XI. **STAFF REPORT**

Executive Director Daniel Stralka reported that:

- Governor Quinn imposed another 1% reserve for the fiscal year 2009 budget, bringing our total reserves to \$17,922.
- The economic interest statements will be mailed on March 16, 2009.

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- Public Act 95-0958 will go into effect for members of the State Employees' Group Insurance Program on July 1, 2009. Under this Act, health coverage will be extended to three additional categories:
 1. Sponsored adult child (unmarried adult child age 19 and up to but not including age 26),
 2. Student on leave of absence (unmarried child age 19 and up to but not including age 23, enrolled as a full-time student who takes a medical leave of absence or reduces student status to part-time due to catastrophic illness or injury), and
 3. Veteran adult child (unmarried child age 19 and up to but not including age 30, who is an Illinois resident and has served in the armed forces and received a release or discharge other than dishonorable).

XII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular meeting to be held on Friday, March 20, 2009 at 11:00 a.m. in the Commission's Chicago office.

XIII. MOTION TO ADJOURN

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 11:36 A.M.